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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,805	01/15/2002	Yoshihiro Nakami	MIPFP002	6021
25920	7590	04/30/2007	EXAMINER	
MARTINE PENILLA & GENCARELLA, LLP			BRINICH, STEPHEN M	
710 LAKEWAY DRIVE			ART UNIT	PAPER NUMBER
SUITE 200			2625	
SUNNYVALE, CA 94085			MAIL DATE	DELIVERY MODE
			04/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10051805	1/15/02	NAKAMI ET AL.	MIPFP002

EXAMINER

Stephen M. Brinich

ART UNIT	PAPER
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2625                    20070427

DATE MAILED:

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Commissioner for Patents

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/051,805	NAKAMI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Stephen M. Brinich	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 January 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-50 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-26 and 50 is/are allowed.
- 6) Claim(s) 26-49 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892).
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

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**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments (1/10/07 Remarks: page 2, line 2 - page 4, line 2) with respect to claims 1-26 & 50 have been fully considered and are persuasive. The rejection of claims 1-26 & 50 under 35 USC §103 has been withdrawn.
2. Applicant's arguments (1/10/07 Remarks: page 4, lines 3-14) with respect to claims 27-49 have been fully considered but they are not persuasive.

Re claims 27, 37, 38, & 49 (and dependent claims 28-36 & 39-48), Applicant argues (1/10/07 Remarks: page 4, lines 3-14, particularly lines 6-11) that the art relied upon in the outstanding 35 USC §103 rejection does not teach or suggest an image generating device that defines the image quality correction condition in the image processing device.

However, the claim recitations of the "image quality adjustment processing condition designating mechanism" (claim 27), the "means for generating image quality adjustment data" (claim 37), the step of "generating image quality adjustment data" (claim 38), and the function of "generation of image quality adjustment data" do not appear to require this allegedly distinguishing element.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 27-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsuka in view of Shiota et al.

Re claims 27, 35-38, & 47-49, Nakatsuka discloses (Abstract; Figures 1-2; column 1, line 58 – column 2, line 26) a graphics processing device and method for image quality correction. The image quality properties are analyzed to acquire image quality property information indicative of a designated image quality property (an "image processing parameter" associated with a designating "keyword") and also to acquire graphics processing control information ("a magnitude of a parameter adjuster"). An image quality adjustment is carried out on the basis of both graphics processing control information (the previously recited "magnitude of a parameter adjuster") and the image quality property information (the previously recited "image processing parameter" which is referenced by a keyword) to produce an output graphics file from the result.

Re claims 27, 35-38, & 47-49, Nakatsuka does not disclose expressly the storage of image data and image quality property information in a single file in association with one another.

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Shiota et al discloses (column 2, lines 50-56) the storage of image data and image quality property information in one file (and thereby inherently associating the two with one another).

Nakatsuka and Shiota et al are combinable because they are from the field of digital image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to store of image data and graphics processing control information in one file.

The suggestion/motivation for doing so would have been to enable the processing of an image without the need to repeatedly determine a set of graphics processing control information to produce desired results (as noted by Shiota et al at column 2, lines 11-21).

Therefore, it would have been obvious to combine Nakatsuka with Shiota et al to obtain the invention as specified in claims 27, 35-38, & 47-49.

Re claims 30, 32, 41, & 43, Nakatsuka further discloses (column 6, lines 16-18 & 56-60) a plurality of image quality properties.

Re claims 28-33, 39-43, & 45, Nakatsuka further discloses (Figure 7; column 7, lines 38-42) the use of a determined "Standard" image quality parameter.

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Re claims 33 & 45, one of the image quality properties is noise level (which is clearly related to noise reduction).

Re claims 26, 44 & 49, Nakatsuka further discloses (Figure 1) a computer-based implementation of this graphics processing device and method.

Re claims 34 & 46, Nakatsuka further discloses (Figures 6-7; column 7, lines 32-43) the display and selection of image quality adjustment processing conditions.

**Allowable Subject Matter**

5. Claims 1-26 & 50 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter:

Applicant's arguments (1/10/07 Remarks: page 2, line 2 - page 4, line 2) with respect to claims 1-26 & 50 have been fully considered and are persuasive. The rejection of claims 1-26 & 50 under 35 USC §103 has been withdrawn.

**Conclusion**

7. Any inquiry concerning the contents of this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430.

Any inquiry relating to the status of this application or proceeding or any inquiry of a general nature concerning application processing should be directed to the Tech Center

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2600 Customer Service center at 571-272-2600 or to the USPTO  
Contact Center at 800-786-9199 or 571-272-1000.

The examiner can normally be reached on weekdays 8:00-5:30,  
alternate Fridays off.

The examiner's unit designation has been changed from "Art  
Unit 2624" to "Technology Division 2625" (as of March 20, 2006).

If attempts to contact the examiner and the Customer  
Service Center are unsuccessful, supervisor David Moore can be  
contacted at 571-272-7437.

Faxes pertaining to this application should be directed to  
the Tech Center 2600 official fax number, which is 571-273-8300  
(as of July 15, 2005).

Hand-carried correspondence may be delivered to the  
Customer Service Window, located at the Randolph Building, 401  
Dulany Street, Alexandria, VA 22314.

*Stephen Brinich*  
Stephen M Brinich  
Examiner  
Technology Division 2625

smb  
April 27, 2007